

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CB DISTRIBUTORS, INC.,)	
)	
Plaintiff/Counterclaim Defendant,)	Case No. 4:10-cv-02157-CEJ
)	
v.)	JURY TRIAL DEMANDED
)	
EVEREADY BATTERY CO., INC.,)	
)	
Defendant/Counterclaim Plaintiff.)	

JOINT PROPOSED SCHEDULING PLAN

COME NOW the parties and hereby submit to the court their proposed Joint Scheduling Plan:

- (a) **Track 2 Assignment:** The Track Two Standard assignment by the Court is appropriate in this case.
- (b) **Last Date for Joinder of Additional Parties:** June 1, 2011
Last Date for Amendment of Pleadings: June 1, 2011
- (c) **Discovery Plan**
 - (i) **Disclosure of Electronically Stored Information:** The parties have discussed the disclosure of discoverable Electronically Stored Information (“ESI”), but have not reached an agreement as to the need to modify the Federal Rules of Civil Procedure at this time; however, it is anticipated that the parties will enter into a Protective Order regarding the disclosure of discoverable ESI in this case, should any modifications become necessary.

- (ii) **Privileged Matters:** The parties have discussed the protection of disclosed privileged information , but have not reached an agreement as to the need to modify the Federal Rules of Civil Procedure at this time; however, it is anticipated that the parties will enter into a Protective Order regarding the handling of any privileged information disclosed in this case, should any modifications become necessary..
- (iii) **Rule 26(a)(1) Initial Disclosures:** Shall be completed by each party on or before May 2, 2011.
- (iv) **Discovery Sequence:** There is agreement that full discovery shall be permitted, and that discovery not be conducted in phases or limited to certain issues.
- (v) **Expert Witnesses:**
 - a. For issues on which a party bears the burden of proof, the party shall disclose expert witness identities and reports, according to Federal Rule of Civil Procedure 26(a)(2), by September 12, 2011 , and those experts shall be produced for deposition within thirty (30) days, thereafter.
 - b. Responsive experts' identities and reports, according to Federal Rule of Civil Procedure 26(a)(2), shall be disclosed on or before October 28, 2011.
- (vi) **Discovery :** The parties agree that the presumptive limits of the Federal Rules of Civil Procedure govern discovery.
- (vii) **Examinations:** The parties do not expect to conduct any physical and/or mental examinations pursuant to Rule 35.

(viii) **Discovery Cut-Off Date:** December 16 , 2011.

(d) **The parties' positions concerning the referral of the action to mediation or early neutral evaluation, and when such a referral would be most productive:**

The parties do not believe that mediation or early neutral assessment would be productive in this case before July 15, 2011, if at all.

(e) **The last date for filing dispositive motions:** January 13, 2012.

(f) **The earliest date by which this case should reasonably be expected to be ready for trial:** May 17, 2012.

(g) **An estimate of the length of time expected to try the case to verdict:** Five (5) to Seven (7) Days.

Date Submitted: March 21, 2011

Respectfully submitted,

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